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Viewing cable 06MANAGUA430, DANIELISTAS RIG COURT RULING TO FACILITATE

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Understanding cables

Every cable message consists of three parts:

- The top box shows each cables unique reference number, when and by whom it originally was sent, and what its initial classification was.
- The middle box contains the header information that is associated with the cable. It includes information about the receiver(s) as well as a general subject.
- The bottom box presents the body of the cable. The opening can contain a more specific subject, references to other cables ([browse by origin](#) to find them) or additional comment. This is followed by the main contents of the cable: a summary, a collection of specific topics and a comment section.

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Discussing cables

If you find meaningful or important information in a cable, please link directly to its unique reference number. Linking to a specific paragraph in the body of a cable is also possible by copying the appropriate link (to be found at the paragraph symbol). Please mark messages for social networking services like Twitter with the hash tags **#cablegate** and a hash containing the reference ID e.g. **#06MANAGUA430**.

Reference ID	Created	Released	Classification	Origin
06MANAGUA430	2006-02-24 21:11	2011-08-30 01:44	CONFIDENTIAL	Embassy Managua

Appears in these articles:

<http://www.nacion.com/2011-05-30/Mundo/NotasSecundarias/Mundo2758456.aspx>
<http://www.nacion.com/2011-05-30/Mundo/NotasSecundarias/Mundo2758467.aspx>
<http://www.nacion.com/2011-05-30/Mundo/NotasSecundarias/Mundo2758468.aspx>
<http://www.nacion.com/2011-05-30/Mundo/NotasSecundarias/Mundo2758464.aspx>
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<http://www.confidencial.com.ni/articulo/3966/la-ldquo-injerencia-rdquo-de-ee-uu-en-el-2006>
<http://www.nacion.com/2011-05-23/Mundo/Relacionados/Mundo2758764.aspx>
<http://www.nacion.com/2011-05-23/Mundo/NotaPrincipal/Mundo2758753.aspx>
<http://www.confidencial.com.ni/articulo/4041/millones-de-dolares-sin-control-y-a-discrecion>
<http://www.confidencial.com.ni/articulo/4040/la-ldquo-injerencia-rdquo-de-venezuela-en-2006>
<http://www.confidencial.com.ni/articulo/4047/rodrigo-barreto-enviado-de-ldquo-vacaciones-rdquo>
<http://www.nacion.com/2011-05-16/Mundo/NotasSecundarias/Mundo2757239.aspx>
<http://www.nacion.com/2011-05-16/Mundo/NotaPrincipal/Mundo2746658.aspx>
<http://www.nacion.com/2011-05-16/Mundo/Relacionados/Mundo2757244.aspx>
<http://www.nacion.com/2011-05-16/Mundo/Relacionados/Mundo2746673.aspx>
<http://www.confidencial.com.ni/articulo/3991/dra-yadira-centeno-desmiente-cable-diplomatico-eeuu>
<http://www.confidencial.com.ni/articulo/3968/pellas-pronostico-a-eeuu-victoria-de-ortega-en-2006>
<http://www.confidencial.com.ni/articulo/3967/barreto-era-ldquo-fuente-confiable-rdquo-para-eeuu>

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RHEFDIA/DIA WASHINGTON DC
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RHEHNSC/NSC WASHINGTON DC

C O N F I D E N T I A L MANAGUA 000430

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DEPARTMENT FOR WHA/CEN

E.O. 12958: DECL: 02/24/2016
TAGS: [KDEM](#) [NU](#) [PGOV](#) [PINR](#) [PREL](#) [KCOR](#)
SUBJECT: DANIELISTAS RIG COURT RULING TO FACILITATE
ELECTORAL COMMISSION COUP

REF: A) MANAGUA 0304 B) MANAGUA 0281 C) 2005 MANAGUA
3118

Classified By: Ambassador Paul A. Trivelli. Reasons 1.4 (B,D).

¶1. (C) Summary: Embassy is encouraging non-Sandinista (FSLN) parties to protest recent Supreme Electoral Council (CSE) and the Supreme Court's constitutional chamber decisions enabling CSE president Roberto Rivas to replace two of the CSE's PLC magistrates with the substitutes of his choice, thereby consolidating the FSLN's dominance over the electoral body. OAS technical advisers are refraining from a statement at this time, noting the OAS COM Gustavo Fernandez enjoys the mandate to do this, but are welcoming written complaints. Liberal Constitutional Party (PLC), Camino Cristiano, APRE, and Herty Alliance militants have held a joint press conference announcing they will submit to the National Assembly a new law interpreting certain Electoral Law articles. For political reasons, Eduardo Montealegre's ALN-PC caucus may present its own statement and support the draft law. The Movimiento por Nicaragua (MpN) has joined the public outcry, accusing the Sandinistas of seeking total hegemony over the CSE. This crisis is one of the first of many we can expect to surface over the next ten months and is likely part of the Sandinista strategy to upset and confuse the electoral process and distract the National Assembly for more substantive endeavors. End Summary.

¶2. (C) Embassy is encouraging non-FSLN parties to protest recent Supreme Electoral Council (CSE) and the Supreme Court's constitutional chamber decisions enabling CSE president Roberto Rivas to replace two of the CSE's PLC magistrates with the substitutes of his choice, thereby consolidating the FSLN's dominance over the electoral body. On February 21, DCM and polcouns urged Jose Antonio Alvarado, who is affiliated with the Alianza por la Republica (APRE) party, to protest these CSE/court machinations; Alvarado and APRE President Miguel Lopez Baldizon have both publicly done so. Polcouns broached the matter with Eduardo Montealegre/ALN-PC supporter Vilma Rosa Leon-York the same day. While agreeing that this is yet another Sandinista maneuver, she noted that the fact the court ruling also legitimizes the ALN-PC's party name change and emblem changes makes it difficult for the party to challenge this court ruling (a FSLN tactic to discourage Montealegre from protesting).

¶3. (C) On February 22, polcouns talked with Assembly Deputy, Reverend Guillermo Osorno (Camino Cristiano), who reported that all non-Sandinista parties would convene February 23 at 10 AM to agree on a joint position and announce it at a press

conference following the meeting. Osorno shared that Orlando Tardencilla's (Herty Lewites supporter) National Assembly substitute, Oscar Carrion, is the drafter of the joint position. Osorno explained that the group intends to file an appeal (recurso de amparo) with the Appellate court questioning the legality of the ruling (the PLC has already filed its own recurso de amparo). He was responsive to Polcouns' suggestion that their group send the joint statement to the OAS for its consideration. According to Osorno, while there is some debate over the legality of the designation of CSE substitutes, there is no doubt that the Supreme Court's constitutional division violated the law by deliberately excluding PLC constitutional chamber justices from its deliberations while including an external judge to rule in favor of Rivas.

¶4. (SBU) Polcouns later talked to Oscar Carrion, who asserted the following:

--Article 6 of the Electoral Law allows each magistrate to designate his/her substitute to represent him/her as needed. This authority is not/not accorded to the CSE president. Contrary to what OAS lawyers believe, Carrion said Article 12 of the Electoral law does not accord Rivas this authority.

--The constitutional chamber's use of external justices is in violation of the law.

--While the CSE was pressured to reinstate Electoral Law articles 41 and 116, it has modified article 41 to limit a voter's ability to vote. Voters who appear on a list that notes they have requested to change their voting station (JRV) will not/not be allowed to vote elsewhere.

¶5. (SBU) Later the same day, DCM talked with Patricio

Gajardo, who reiterated the OAS is not in position to insert itself at this moment, partially because COM Gustavo Fernandez is away until next week and is the only one authorized to speak for the OAS team. Further, they have not received any official complaint or request to intervene on the part of the PLC and other parties. Gajardo pointed out that the PLC erred by allowing CSE president Rivas to appoint the substitutes because it permitted him to corral the five votes necessary to re-elect himself and Lang. The OAS team is now examining all related legal/constitutional issues, and will specifically scrutinize the question of whether, if the CSJ decision is overturned, such a revocation nullifies decisions made by the stacked CSE (it probably will). (Comment: Embassy believes that it would be helpful to have USOAS urge Biehl, Fernandez, et al, to engage on this issue once they have the Carrion position paper and legal analysis in hand to expose the manipulation and one-party control of the CSE.)

¶6. (C) As expected, representatives from the PLC, Camino Cristiano, APRE, and the Herty Alliance convened on February 23 and held a joint press conference. Carrion informed polcouns that the group did not issue a joint written statement, but they did make the following points:

--The parties/caucuses will draft and submit to the National Assembly secretary next week a new law interpreting Electoral Law Article 6 regarding the substitution of CSE magistrates (Carrion faxed us a draft copy on February 24);

--Parties represented in the meeting will participate in the Atlantic Coast election but under protest;

--They invite two representatives from Eduardo Montealegre's caucus/alliance to future meetings; and,

--Next week they will submit letters to the OAS, embassies, and other entities with their common position.

Where Does Montealegre Stand?
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17. (C) Carrion claimed that Montealegre adviser Eliseo Nunez had declined to participate in previous meeting; however, Carrion asserted he heard from other Montealegre supporters that this absence does not represent Montealegre's opinion. Carrion shared that he later approached ALN-PC caucus chair Maria Eugenia Sequeira, who he said agreed to "consider" the invitation. Following this conversation, polcouns contacted Sequeira, who clarified that personally she will not participate in any effort that is clearly dominated by Arnoldo Aleman and the PLC/PC. "The PLC and Aleman are the ones that are most responsible for this disaster. If it weren't for the (Aleman-Ortega) pact, this wouldn't have happened," exclaimed Sequeira. Today the Aleman is battling Ortega; tomorrow they will renew their pact, she claimed.

18. (C) Sequeira did not discard the possibility that other ALN-PC representatives might participate in the joint effort. However, she believes the ALN-PC is more likely to issue its own statement, while supporting the draft law when it is presented to the Assembly. Too close an association with the PLC at this time could ruin Montealegre's image and send the wrong message to his supporters, explained Sequeira. Montealegre confirmed to DCM the evening of February 23 that he would make it clear in a television appearance the following morning that he and the ALN-PC were against the FLSN power-play and blatant partisan manipulation of the CSE.

In a February 24 press conference, Montealegre rejected the court/CSE machinations, called on all CSE magistrates to get back to work, sign an OAS-witnessed agreement to maintain quorum through the electoral period, and make CSE sessions public.

The Movimiento Joins the Voices of Protest

19. (U) In a widely televised February 23 press conference, the Movimiento por Nicaragua (MpN), joined the public outcry.

MpN member Rosa Maria Zelaya (ex-Sandinista, former CSE magistrate) called for the resignation of the CSE board, noting the magistrates have lost all legitimacy. MpN affiliate/reformed Sandinista, Carlos Tunnerman asserted that the Atlantic Coast election will be seriously flawed and the November election is in serious danger. These latest maneuvers have allowed Daniel Ortega to assume total control

of the electoral body and are a result of the nefarious Ortega-Aleman pact, warned Tunnerman. The MpN also issued its own statement, rejecting the CSE's conduct and organization vis a vis the Atlantic Coast elections and rejecting the Constitutional Chamber's ruling and Rivas' appointment of CSE substitutes in a manner violating the Electoral Law.

Comment

10. (C) This crisis is one of the first of many we can expect to surface over the next ten months and is likely part of the Sandinista strategy to upset and confuse the electoral process and distract the National Assembly from more substantive pursuits. Ironically, the FSLN's clearly devious antics could foster rapprochement among Nicaragua's divided democratic forces who are now confronting a common adversary, Ortega. Embassy will continue to encourage Montealegre and his supporters to participate in this effort.

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